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2012 SE. 11 A 9:18
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

10 C 12 4723
11 EQUAL EMPLOYMENT OPPORTUNITY } Civil Action No.
12 COMMISSION, } COMPLAINT
13 Plaintiff, } Civil Rights - Employment
14 v. } Discrimination
15 UNITED PARCEL SERVICE, INC., } DEMAND FOR JURY TRIAL
16 Defendant. }

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NATURE OF THE ACTION

18 This is an action under Title VII of the Civil Rights Act of 1964, as amended by
19 Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the
20 basis of national origin/religion and retaliation and to provide appropriate relief to
21 Charging Party Talal Alfouir who was adversely affected by such practices. Charging
22 Party Alfaour, a Jordanian Muslim Arab, was discriminated against because of his
23 national origin and religion, and was retaliated against for engaging in protected
24 activity.

JURISDICTION AND VENUE

26 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331,
27 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section
28 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.

1 §2000e-5(f)(1) and (3) (Title VII) and Section 102 of the Civil Rights Act of 1991, 42 U.S.C.
2 §1981a.

3 2. Venue is proper in the United States District Court for the Northern
4 District of California because the unlawful employment practices alleged herein were
5 committed in the State of California, in the County of San Mateo, California, within the
6 jurisdiction of the United States District Court for the Northern District of California.
7 Venue is therefore proper in the United States District Court for the Northern District of
8 California.

9 INTRADISTRICT ASSIGNMENT

10 3. This action is appropriate for assignment to the San Francisco/Oakland
11 Division of this Court because the unlawful employment practices alleged were
12 committed within San Mateo County, within the jurisdiction of the San
13 Francisco/Oakland Division.

14 PARTIES

15 4. Plaintiff Equal Employment Opportunity Commission (Commission) is the
16 agency of the United States of America charged with the administration, interpretation
17 and enforcement of Title VII, and is expressly authorized to bring this action by Section
18 706(f)(1) and (3) of Title VII, §2000e-5(f)(1) and (3).

19 5. Defendant United Parcel Service, Inc. (Defendant) is a Delaware
20 corporation, doing business in the State of California, in the County of San Mateo, and
21 has continuously had at least 15 employees.

22 6. At all relevant times, Defendant has been an employer engaged in an
23 industry affecting commerce, within the meaning of Section 701(b), (g), and (h) of Title
24 VII, 42 U.S.C. §2000e(b), (g), and (h).

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FIRST CLAIM FOR RELIEF

7. More than thirty days prior to the institution of this lawsuit, Charging Party Talal Alfaour (Charging Party) filed a charge with Plaintiff Commission alleging violations of Title VII of the Civil Rights Act of 1964 by Defendant UPS. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. The effect of the actions complained of in paragraph 8 above has been to deprive Charging Party of equal employment opportunities and otherwise adversely affect his status as an employee because of his national origin and religion.

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11. The unlawful employment practices complained of in paragraph 8 above were done with malice or with reckless indifference to the federally protected rights of Charging Party.

SECOND CLAIM FOR RELIEF

Violation of Title VII: Discrimination Based on Retaliation

12. Plaintiff Commission hereby incorporates the allegations of paragraphs 1 through 8 above as though fully set forth herein.

13. On multiple occasions from 2004 to present, Charging Party opposed the discriminatory actions taken against him based on his national origin and/or religion through complaints directly to his supervisors and other management officials of Defendant, through the filing of union grievances, and through the filing of three Charges of Discrimination with Plaintiff Commission.

14. As a result of the actions referenced in paragraph 14, Charging Party was retaliated against in violation of Section 704(a) of Title VII, 42 U.S.C. §2000e-3(a). Said retaliation included but was not limited to involuntary transfers, adverse work assignments, assignments to more difficult job tasks, excessive scrutiny of his work, escalation of harassment, and other adverse actions.

15. The effect of the actions complained of in paragraphs 13 and 14 above has been to deprive Charging Party of equal employment opportunities and otherwise adversely affect his status as an employee because of his national origin and religion.

16. The unlawful employment practices complained of in paragraphs 13 and 14 above were intentional.

17. The unlawful employment practices complained of in paragraphs 13 and 14 above were done with malice or with reckless indifference to the federally protected rights of Charging Party.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, agents,

1 successors, assigns, and all persons in active concert or participation with it, from
2 engaging in discrimination based on national origin and/or religion and retaliation.

3 B. Order Defendant to institute and carry out policies, practices, and
4 programs which prohibit discrimination based on national origin and/or religion and
5 retaliation, and which eradicate the effects of its unlawful employment practices.

6 C. Order Defendant to make whole Charging Party by providing
7 compensation for past and future pecuniary losses resulting from the unlawful
8 employment practices complained of above, including but not limited to such out-of-
9 pocket expenses as medical care necessitated by Defendant's unlawful conduct, in
10 amounts to be determined at trial.

11 D. Order Defendant to make whole Charging Party by providing
12 compensation for past and future nonpecuniary losses resulting from the unlawful
13 practices complained of above including, but not limited to, emotional pain and
14 suffering, mental anguish, inconvenience, loss of enjoyment of life and humiliation, in
15 amounts to be determined at trial.

16 F. Order Defendant to pay Charging Party punitive damages for the
17 malicious and reckless conduct described above, in amounts to be determined at trial.

18 G. Grant such further relief as the Court may deem just and proper in the
19 public interest.

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H. Award the Commission its costs of this action.

DEMAND FOR JURY TRIAL


The Commission demands a jury trial on all questions of fact raised by its complaint.

P. DAVID LOPEZ
General Counsel

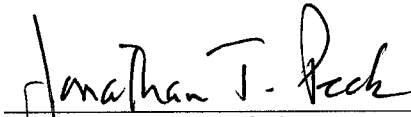
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